

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

RONALD AARON MALONE, #110834 §
VS. § CIVIL ACTION NO. 6:13cv897
JASON BALL, ET AL. §

ORDER OF ADMINISTRATIVE CLOSING

Plaintiff Ronald Aaron Malone, an inmate confined at the Cherokee County Jail, filed the present civil rights lawsuit pursuant to 42 U.S.C. § 1983 about a felony driving while intoxicated charge that is pending against him. The complaint was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the lawsuit should be administratively closed during the pendency of the criminal charges.

Malone has filed objections. He did not object to the recommendation to administratively close the case. Instead, he objected to the reference to defendant James Campbell as Sheriff James Campbell. He stated that he sued City of Rusk Police Chief James Campbell, as opposed to Sheriff James Campbell. He explained that Sheriff Campbell is the father of Police Chief Campbell. Malone's explanation is well noted.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Malone to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct other than the erroneous reference to Sheriff James Campbell, as opposed to Police Chief James Campbell. Therefore the

Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the civil rights lawsuit is **ADMINISTRATIVELY CLOSED**. It is further

ORDERED that Malone may ask the Court to place the case back on the active docket if and when the criminal charges are resolved in his favor.

So ORDERED and SIGNED this 24th day of January, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE